

Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed October 17, 2008.

Claims 1-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (Java™ Servlet Programming by Jason Hunter, Copyright (c) 2001, 1998 O'Reilly & Associates, Inc.) in view of Griffin (U.S. Publication No. 2003/0126558).

Claims 1-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin. As indicated by the enclosed Assignment documents, both Griffin and the present inventors were under an obligation to assign their respective inventions to BEA Systems, Inc. at the time present invention was made.

103(c)(1) reads:

Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

For the above reason, Griffin is not available as prior art under § 103 as of Griffin's October 24, 2001 U.S. Provisional filing date or Griffin's October 24, 2002 U.S. Utility filing date.

The publication date of Griffin is July 3, 2003, which is after the provisional filing date of the present application. The provisional application of the present invention provides support for

the present claims. For example, support for the feature added in the last office action in paragraphs [0018] and [0022] is given in the provisional application.

For these reasons, the applicant requests that the 103 rejection under Griffin be withdrawn.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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